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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,958	04/15/2004	Tamaki Kaneko	1461/72220	2278

7590

03/24/2006

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,958	<b>Applicant(s)</b> KANEKO, TAMAKI	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/15/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments and Amendments*

1. Due to amendments, all objections to the drawings and specification are hereby withdrawn.

Due to amendment, rejections made under 35 USC 112 2<sup>nd</sup> paragraph are hereby withdrawn.

Applicant's arguments filed 2/23/2006 have been fully considered.

Arguments regarding claims 1 and 12 are not found to be persuasive. Claim 1 recites the "...the second roller pair can be driven to rotate...". This claim is reciting a capability, while there is no evidence that the device of Yamada is incapable of the recitation that follows.

Arguments regarding claim 6 are not found to be persuasive. A "bulge" is defined as merely an "outward curve or swelling" and the Applicant's disclosure (namely P20/L3-20) supports this terminology, while the device of Yamada does as well. A curve in the conveying path creates an outward curve of the sheets, which is also a bulge.

Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada USP 5,762,328.

Regarding claims 1-11, Yamada discloses a similar sheet processing apparatus comprising:

- a first roller pair (upper roller pair 4) (fig.1)
- a second roller pair (lower roller pair 4) (fig.1)
- a jogging tray (21) (fig.1,2) (C3/L43-49)
- a binding device (11)
- a bulging device arranged at the conveying path (curve in conveying path after lower roller pair 4) (fig.1)
- a discharging device (10)

Regarding claim 12, Yamada discloses a similar sheet processing apparatus comprising:

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- first means (upper roller pair 4) for conveying a sheet received from an external apparatus (C3/L19-22) (fig.1)
- second means (lower roller pair 4) for conveying the sheet from the first conveying means (fig.1)
- jogging means (9) for receiving the sheet conveyed from the second conveying means and jogging the received sheet (C3/L50-55) (fig.1,2)
- binding means (11) for binding a stack of sheets received and jogged by the jogging means (C3/L43-45) (fig.1)
- wherein the second conveying means can be driven to rotate such that the sheet received from the external apparatus and conveyed by the first conveying means one after another are pinched by the first conveying means one after another while being overlapped one upon another with leading edges thereof shifted stepwise one after another and are held by the second conveying means to be further conveyed to the jogging means (fig.1)

4. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura USPub 2004/0175217.

Nakamura discloses a similar sheet processing method comprising:

- receiving a sheet conveyed from an external apparatus at a speed ( $\pi$ 0002)
- conveying the received sheet with a first roller pair (121) at a circumferential speed corresponding to the speed (fig.2,8)

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- conveying the sheet conveyed from the first roller pair with a second roller pair (126a,b) at the circumferential speed corresponding to the speed (fig.2,8)
- receiving the sheet conveyed from the second roller pair and jogging the received sheet with a jogging tray (129) (§0004)
- binding a stack of sheets received and jogged by the jogging tray (§0004,0064)
- wherein when the binding step is being performed, the second roller pair rotates at a decreased circumferential speed (fig.12) so that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped one upon another with leading edges thereof shifted stepwise one after another and are held by the second roller pair to be further conveyed to the jogging tray (fig.23,24,25) (§0096)

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

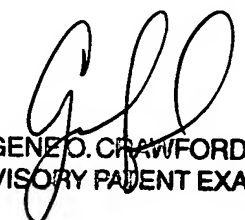
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.  
3/20/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER